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John E. Cronin

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EXAMINER

MOONEYHAM, JANICE A

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/766,456

Applicant(s)

CRONIN, JOHN E.

Examiner

Janice A. Mooneyham

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-56 is/are pending in the application.
- 4a) Of the above claim(s) 53-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This is in response to the applicant's communication filed on February 16, 2006, wherein:

Claims 1-9 and 11-52 are currently pending;

Claims 1, 8, 13, 22, 29, 35, and 44 are amended; and

Claims 53-56 have been withdrawn as being directed to nonelected species.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-9 and 11-52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The applicant identifies the invention as a method for identifying a range of patent eligible aspects of an invention? What are patent eligible aspects? How is this defined? What make up an eligible aspect? The applicant states in the remarks filed on February 17, 2006, page 16, *that the present applicant contains much description regarding the identification of a variety (i.e., "range") of features, characteristics, etc (i.e., "aspects") of an invention that are patent or, more broadly, "patent eligible."* The Examiner asserts that applicant has not described the subject matter, i.e, patent eligible

Art Unit: 3629

aspects, in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention.

3. Claims 1-9 and 11-52 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. How does working through a ladder of abstraction identify one or more patent eligible aspects of an invention? How is the ladder of abstraction worked through?

It is not clear how to achieve the scope of the claimed invention, for example, applicant has not defined what a range of patent eligible aspects are. The specification does not define or identify what the applicant means by the term "a range of patent eligible aspects." How would one skilled in the art know how to identify a range of patent eligible aspects of an invention? How would one skilled in the art know how to iterate the steps to identify a range of patent eligible aspects are identified?

The applicant's Remarks submitted with the response filed on February 17, 2006 state *in a meaning relevant in the context of the present invention*, "range" is defined as *a variety of different things* (page 17 under Identifying a Range of Patent Eligible Aspects). Applicant then states that *all that is required in identifying a range of patent eligible aspects of an invention is that more than one differing features, characteristics, etc of the invention be identified, wherein the differing features, characteristic, etc. are*

Art Unit: 3629

*subject matter eligible to be patentable.* In the detailed description of the invention (page 9 of the specification), the applicant identifies the invention as pertaining to a *business process of interviewing potential inventions [sic] from an individual or group, and documenting these inventions in a systematic way to define the potential intellectual property space that the inventions cover* (page 9, lines 4-6). The applicant then states that *the present invention pertains to an overall scanning invention process that comprises the general steps of; (1) a training means, (2) a facilitated interaction (discussion and recording information) which starts interviewing the invention at his/her invention level, (3) a facilitation means (discussion and recording information to change the level of abstraction of the inventions, (3) a facilitated means (discussion and recording information) for changing the invention type, (5) a facilitated means (discussion and recording information) for changing the life cycle aspect, (6) a facilitated iteration means (discussion and recording information) for iterating the level of abstraction, invention type and life cycle, (7) a documentation means for capturing the invention and (8) a decision means to reduce the documented list of the invention down to a minimal group.* The applicant then states that the following is a specific embodiment of each of the above-described steps, wherein the applicant identifies (1) *a training means, (2) a facilitation means for interviewing the inventor, (3) changing the level of abstraction (4) a facilitated means for changing the invention type wherein a facilitator asks questions, (5) a facilitated iteration means for iterating the level of abstraction, invention type and life cycle where applicant states that the facilitator interviews the invention [sic] by systematically changing the level of abstraction, the*

Art Unit: 3629

*invention type and the life cycle (page 17, lines 5-23). On page 17 (lines 9-11), applicant claims to identify numerous ways to iterate through the steps and states the steps include the following: (a) defining the starting level of abstraction, defining the invention type, and defining the life cycle (b) modifying the level of abstraction by holding constant the invention type and the life cycle and (c) iterating steps (a) and (b) until all levels of abstraction are exhausted.*

In the body of the claims, applicant also claims iterating steps a plurality of times for differing selected pairs of one of the plurality of invention types and ones of the plurality of life cycle aspects. How does one select (modify) these? If you change/modify them and then keep reiterating, how does one skilled in the art know when a range of patent eligible aspects of the invention has been identified? It is not clear how one identifies a range of patent eligible aspects of an invention by carrying out the iterating step. How does one determine which of the plurality of invention types to hold constant and how is it determined when all of the plurality of life cycle aspects have been exhausted?

Furthermore, applicant claims generating a list containing at least some of the patent eligible aspects in the range of patent eligible aspects. The Examiner asserts that applicant has not defined how the at least some of the aspects are chosen to be included in the list. Thus, it would require undue experimentation for one skilled in the art to make or use the invention.

Applicant states in the Remarks filed on February 18, 2006, on page 16, that a *ladder of abstraction is a well-known creativity tool that provides a continuum of*

Art Unit: 3629

*"general" (or "broad") to "specific" (or "narrow") on one rail of the ladder (visualize a conventional climbable ladder having two longitudinal rails supporting steps or rungs) and the corresponding continuum of "abstract" to "concrete" on the other rail. The steps, or rungs, or the ladder are discrete locations for specific items of the subject matter to which the ladder of abstraction is applied.* The applicant then states that the Examiner can find example of ladders of abstraction in various contexts by conducting a search on the Internet. However, the Examiner asserts that the applicant has not described the ladder of abstraction for the context set forth in this application in such a manner to enable one skilled in the art to which the invention pertains, to make or use the invention without undue experimentation.

The applicant states, on page 16 of the Remarks filed on February 17, 2006, that the working of a ladder of abstraction is discussed in detail on pages 12-14 of the present application. The applicant then states, as a broad summary, a ladder of abstraction may be worked in the content of the present invention by asking "why" questions to work "up" the ladder toward the abstract and asking "how" questions to work "down" the ladder toward the more concrete and that one skilled in the relevant art would readily understand how to work a ladder of abstraction in the context of the present invention.

Pages 12-14 describe the invention as follows:

A description of a creativity tool called the "Ladder of Abstraction " 100 is shown in FIG. 1. Point "A" 110 represents a starting point in any discussion. When the question of "why" 160 point "A" 110 is important is asked, the answer "B" 120 results in a broader concept than that at point "A" 110.

Art Unit: 3629

[0062] For example, point "A" 110 may represent a brief description of a dry erase marker invention, wherein the fluid in the dry erase marker could be viewed through a clear window along the side of the marker body. When asked why is this important, the answer "B" 120 is that a user has no idea when his marker has run out of fluid until he is using it in a presentation. This may lead to an improvement of the basic invention. For example, the clear window along the side of the dry erase marker body could have a scale that suggests the amount of marker usage left.

[0063] As shown in FIG. 1, when the question why is "B" 120 important is asked, the answer results in point "C" 130, which is a broader instantiation of point "B" 120.

[0064] For example, if point "B" 120 represents the improvement invention of marker scale along side the clear window on the dry erase marker, the question why this is important may lead to the answer "C," 130 i.e., that the user needs to be able to predict marker fluid usage to avoid running out of fluid during a high need situation. This may lead to a further improvement of the invention, for example a secondary ink fluid reserve tank that allows a fixed short amount of writing time, and that uses a penetrable ink bladder activated by pressing a button on the dry erase pen handle.

[0065] If the starting point is a technical reason 170, then the series of "why" 160 questions will ultimately lead to a business reason 180, which is really a broader interpretation of the original technical reason 170, where in, as the higher level of the starting point is interpreted, the more inventions can solve the higher level needs.

[0066] Referring again to FIG. 1, starting at point "A" 110 and asking the question "how" 165 is point "A" 110 achieved, results to point "D" 140. The resultant point "D" 140 represents a lower level of detail than the original starting point.

[0067] For example, point "A" 110 may be a brief description of the dry erase marker invention, wherein the fluid in the dry erase marker could be viewed through a clear window along the side of the marker body. When asked how is point "A" 110 achieved, the answer "D" 140 is that the plastic mold has an open region associated with the window, into which a clear plastic window is added.

[0068] If point "D" 140 is used as the starting point to ask the question "how" 165 is point "D" 140 achieved, the resultant point "E" 150 results in a lower level of detail than point "D" 140.

Art Unit: 3629

[0069] For example, if point "D" 140 is the plastic mold that leaves an open region where the window will be defined and then the window region is filled with a clear plastic, the questions as to how is this achieved resultants in point "E" 150, which is that the second mold is formed only in the open region left by the first mold, and is filled with clear plastic.

[0070] If the starting point is a technical reason 170, then a series of "how" 165 questions ultimately lead to scientific reasons 190. Thus, using the ladder of abstraction 100, any starting point can be taken and different "levels of invention" 195 defined.

[0071] At a starting point, an inventor discussing his/her invention usually describes the technical problem solved, or the technical solution to the technical problem, or both. By asking a series of "why" 160 questions, higher levels of integration of their invention can be found that fit into a larger system or other applications. If the "why" 160 questions are further queried, a business system will eventually be found. Therefore, that business system may be patentable as a business process.

[0072] At a starting point, an inventor discussing his/her invention usually describes the technical problem solved, or the technical solution or both. By asking a series of "how" 165 questions, we will find a more detailed description of the critical parts of the invention that will cover the best mode or embodiment. By further asking "how" 165 questions; scientific reasons 190 may ultimately be reached. Many times scientific reasons 190 are not patentable; however, if scientific reasons 190 are uncovered, a it is likely that the lowest level embodiments were "passed through" and therefore, the quality of the result is that all "levels of embodiments" are uncovered.

The Examiner asserts that this disclosure does not enable one skilled in the art to which the invention pertains to make or use the invention without undue experimentation.

As for the applicant's arguments as how one determined which of the plurality of invention types to hold constant and how is it determined when all of the plurality of life cycle aspects have been exhausted, the applicant directs the Examiner to Fig. 2 and the discussion related to Fig. 2.

The discussion as to Fig. 2 is set forth below:

Art Unit: 3629

[0112] Shown in FIG. 2 is a "Scanning Area" 200, i.e., the space that can be intellectually scanned for inventions. Shown in FIG. 2 is the entire ladder of abstraction 100 (shown and described in FIG. 1), invention types 202A-207A, 202B-207B, 202C-207C and life cycle aspects 214A, 214B, 214C. The facilitator enters at a given point, in this example, an apparatus type invention 202A at level 110A of ladder of abstraction 100. By modifying level 110A, the facilitator helps to define various new inventions leading to level 130A and level 150A of ladder of abstraction 100.

[0113] After the levels of ladder of abstraction 100 is exhausted, the facilitator modifies the invention type 202A to the next invention type 203A, and enters at level 110A ladder of abstraction 100 for invention type 203A. Again (not shown in FIG. 2) the facilitator moves up and down the levels of ladder of abstraction 100. The facilitator continues the process, moving through the different invention types 202A-207A (and the levels of ladder of abstraction 100 within each invention type 202A-207A, until all invention types, and ladder of abstraction 100 levels within the invention types 202A-207A is exhausted.

[0114] The facilitator returns to level 110A of invention type 202A, and then moves the inventor to a new life cycle aspect (the supplier) 214B at ladder of abstraction 100 level 110B of invention type 202B. Once this new life cycle aspect 214B is defined, and inventions defined (if any) the facilitator moves the discussion up and down the ladder of abstraction 100 levels within the invention type 202B and then changes the invention type 202B (modifying the ladder of abstraction 100 within the type) until all invention types 202B-207B and the ladder of abstraction 100 levels of each invention within the invention types 202B-207B are exhausted. This is shown diagrammatically as arrow 230 in FIG. 2.

[0115] After this life cycle aspect 214B is captured, the facilitator moves the discussion back to level 110A of invention type 202A to clarify the starting point of the discussion. The facilitator moves the discussion to the next life cycle aspect (the user), 214C at ladder of abstraction 100 level 110C of invention type 202C and determines if there is a new invention. The facilitator moves the discussion up and down the levels of ladder of abstraction 100 within the invention type 202C and then changes the invention type 202C (modifying the ladder of abstraction 100 levels within the invention type) until all invention types 202C-207C and levels of the ladder of abstraction 100 within the invention types 202C-207C are exhausted. This is shown diagrammatically as arrow 240 in FIG. 2.

[0116] It should be noted that an experienced facilitator knows that every user has another user and every supplier has a supplier, and that the facilitator

Art Unit: 3629

can continue the move across the life cycle until such time as the inventor can no longer practically suggest concepts of the new life cycle area, since the technical knowledge of the inventor is limited.

Thus, the Examiner asserts that the specification does not describe how one determines which of the plurality of invention types to hold constant and how is it determined when all of the plurality of life cycle aspects have been exhausted in such a way to enable one skilled in the art to which the invention pertains, to make or use the invention without undue experimentation.

As for applicant arguments stating that generating a list containing at least some of the patent eligible aspects in the range of patent eligible aspects is enabled, the Examiner respectfully disagrees. The applicant argues that *at page 20, line 15-30, applicant describes that a larger list of inventions may be reduced to a smaller list by considering business related issues. In addition, a common patent claim drafting practice is to craft certain limitations so as to not unnecessarily limit claims. For example, in the present claims that recite identifying a range (i.e., a plurality) of patent eligible aspects (claim 1, for example), Applicant used the "at least some of said patent eligible aspects" to avoid not literally capturing the scenario that one or more aspects identified are inadvertently left off the list or the scenario that one or more aspects are purposely left off the list, e.g., if it is determined that certain aspects are pre-judged to be of questionable value.*

The Examiner maintains that the applicant has not described how the at least some of the patent eligible aspects are chosen in such as way as to enable one of skill

Art Unit: 3629

in the art to which the invention is directed to make or use the invention without undue experimentation.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-9 and 11-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1-9 and 11-52 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how the ladder of abstraction is defined. It is not clear what the applicant defines as a plurality of life cycle aspects. What does the applicant define as patent eligible aspects of the invention? What does applicant define as the range of patent eligible aspects?

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-9 and 11-52 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. For a claimed invention to be statutory, it must produce a useful, concrete, and tangible result.

Art Unit: 3629

Under the guidance of recent case law, the requirements of 35 U.S.C. 101 are met when “the practical application of the abstract idea produces a useful, concrete, and tangible result” (*State Street Bank & Trust Co. vs. Signature Financial Group, Inc.*, 47 USPQ2d 1596, 1601-02 (Fed. Cir. 1998)). In general, a method of identifying a range of patent eligible aspects of an invention is conceptually useful. However, the claims, as presently recited, do not appear to have a concrete result. In particular, it is unclear whether a method of “selecting a pair, working through a ladder of abstraction, iterating steps and generating a list” as recited in claims 1-9 and 11-52 can be repeatable and predictable (and thus, concrete), since it appears that the selection, working through the ladder of abstraction and generating the list are subject to human interaction and not a function of the claimed invention. Simply stated, when the subjective mental steps of a human are incorporated into the steps of the invention, what concrete result is achieved by the invention? Section 101 requires that the result be reproducible. In the instant case, the identity of patent eligible aspects of an invention are the result of expressions of subjective feeling of a particular individual. Even that person may generate a different list at a different time for the same subject matter. The applicant states that the facilitation means for interviewing the inventor is a trained individual. Thus, different individuals could ask different “how” and “why” questions or the same individual make ask different questions at a different time for the same subject matter. Thus, the result is not reproducible. Moreover, since the result is subjective and dependent on a cognitive process, a person can be dishonest about the eligibility of a patentable aspect. Thus, the subjective component of the invention is not amenable to reproducibility.

In light of the above, it is respectfully submitted that the claimed invention does not have a predictable or repeatable result, thus does not have a concrete result, and thus fails to recite the practical application of an abstract idea to satisfy the requirements of 35 U.S.C. 101.

As for applicant's arguments concerning the concreteness of Patent No. 5,190,458, the Examiner is unable to commit on issued patents.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**NOTE:** The Examiner finds that because claim(s) 1-9 AND 11-52 are replete with 35 U.S.C. 112 1<sup>ST</sup> AND 2<sup>ND</sup> paragraph rejections, it is difficult if not impossible to completely construe claim scope at this time. However, in accordance with MPEP §2173.06 and the USPTO's policy of providing art rejections even though the claim(s) contain 35 U.S.C. 112 1<sup>ST</sup> AND 2<sup>ND</sup> paragraph rejections, the claims are construed and the art is applied *as much as practically possible*.

Claims 1-9 and 11-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over *A Model Software Petite Patent Act* by Mark Aaron Paley published in August, 1996 (hereinafter referred to as Paley).

Referring to Claims 1, 8, 13, 22, 29, 35 and 44:

Paley discloses a method for identifying a range of patent eligible aspects of an invention, the method comprising:

selecting one of an invention type (software) and selecting a life cycle aspect of the invention (page 18 Insufficient Lead Time to Recapture Software Development Costs);

identifying a range of patent eligible aspects (pages 9-13 What is patentable, What part of software is patentable, Does a software Algorithm qualify as a Patent Act Process).

Paley does not explicitly disclose generating a list.

However, the Examiner takes Official Notice that generating list of information is old and well known. For example, as one makes a determination of what projects need to be carried out, one usually list them. Furthermore, when one is evaluating ideas for the prospect of patenting the ideas, one generally would want to make a list of the ideas that one is interested in seeking a patent on.

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate a list into the software analysis taught in Paley so as to know which aspects of the invention are worth pursuing a patent on and which ones are not.

Claims 1-7 and 18-19 depend on Claim 1, Claims 9, 11-12 and 20 depend on Claim 8, Claims 14-17 and 21 depend on Claim 13, Claims 23-28 depend on Claim 22, Claims 30-34 depend on Claim 29, Claims 36-39 depend on Claim 35, Claims 45-53 depend on Claim 44.

### ***Response to Arguments***

Art Unit: 3629

Applicant's arguments filed February 17, 2006 have been fully considered but they are not persuasive.

The Examiner has addressed the applicant's arguments in the body of each rejection.

The Examiner makes note that "Ladders of Abstraction" are old and well known as is evidenced by applicant's statement directing Examiner to the Internet to search for the term and the Examiner further notes that the concept was developed by Alfred Korzybski and S. I. Hayakawa. The Examiner further asserts, as set forth in the rejection above, that the applicant has failed to comply with the enablement requirement as to use of a ladder of abstraction in applicant's invention.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

*The ladder of abstraction* (1-3) discloses Hayakawa's version of the ladder of abstraction in the book *Language in Thought and Action*.

Samuel I. Hayakawa discloses that the book *Language in Action* was published in 1941.

Ladder of Abstraction (1-2) defines a Ladder of Abstraction.

Writing Tool #13 discloses how to use a ladder of abstraction.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jan Mooneyham  
Patent Examiner  
Art Unit 3629